

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JOSEPH S. BEALE,	)	
	)	Case No. 07 CV 6909
Plaintiff,	)	
	)	Judge Kocoras
v.	)	
	)	Magistrate Judge Valdez
REVOLUTION PORTFOLIO, LLC, and	)	
SECURITY LIFE OF DENVER	)	
INSURANCE COMPANY d/b/a/ ING,	)	
	)	
Defendants.	)	
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	)	
REVOLUTION PORTFOLIO, LLC,	)	
	)	
Counter-Plaintiff,	)	
	)	
v.	)	
	)	
JOSEPH S. BEALE,	)	
	)	
Counter-Defendant.	)	

**MOTION FOR LEAVE TO  
FILE FIRST AMENDED COMPLAINT**

Plaintiff Joseph S. Beale (“Beale”), by and through his attorneys, Novack and Macey, LLP, respectfully moves the Court for the entry of an Order granting him leave to file his First Amended Complaint for Specific Performance, Injunction and Other Relief (the “Amended Complaint”) against Revolution Portfolio, LLC (“Revolution”), Security Life of Denver Insurance Company d/b/a ING (“ING”), Arkin Youngentob Associates, LLC (“AYA”) and Stuart Youngentob (“Youngentob”). In support of this Motion, Beale states as follows:

1. Beale filed his original complaint on November 2, 2007, against Revolution and ING in the Circuit Court of Cook County, Illinois, in case no. 07 CH 31969.

2. The case was removed to this Court on or about December 7, 2007.

3. This matter involves, among other things, the procurement of a life insurance policy on Beale's life to be transferred to Revolution in connection with the parties settlement agreements.

4. AYA and Youngentob (along with another insurance agent) acted as Beale's insurance agents for the procurement of said life insurance policy.

5. Through discovery in this matter, Beale has learned that AYA and Youngentob, while supposedly acting as Beale's insurance agents, breached their duties of due care to Beale and breached their fiduciary duties to Beale. As detailed in the proposed Amended Complaint, among other things, AYA and Youngentob failed to provide all required materials to ING to ensure timely issuance of the policy, secretly took direction from Revolution and its counsel, failed to share all material information with Beale about the life insurance policy, failed to disclose problems with the issuance of the insurance policy caused by Revolution, failed to inform Beale of his right to rescind the policy, acted against Beale's interests in order to preserve their own commissions related to the policy, and otherwise failed to exercise ordinary care and skill in the procurement of the insurance policy for Beale.

6. Accordingly, Beale seeks leave to file his Amended Complaint adding AYA and Youngentob as defendants in this action.

7. Because these claims arise out of the many of the same facts that are already the subject of discovery, and because discovery is not yet complete, Revolution and ING will not suffer any prejudice as a result of the proposed amendments.

8. This is Beale's first request to amend his Complaint, and it is not made for any improper purpose.

WHEREFORE, Plaintiff Joseph S. Beale respectfully requests that the Court enter an Order as follows:

- A. Granting him leave to file his Amended Complaint; and
- C. Granting him such other and further relief as is appropriate.

Respectfully submitted,

JOSEPH S. BEALE

By: /s/ Monte L. Mann  
One of His Attorneys

Monte L. Mann  
Richard G. Douglass  
NOVACK AND MACEY LLP  
100 N. Riverside Plaza  
Chicago, Illinois 60606  
(312) 419-6900  
Firm No. 91731  
Doc. #: 220255

**CERTIFICATE OF SERVICE**

Monte L. Mann, an attorney, hereby certifies that, on June 5, 2008, he caused a true and correct copy of the foregoing *Motion for Leave to File First Amended Complaint* to be filed electronically with the Court's CM/ECF system, and that notice of this filing was sent by electronic mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to receive electronic filings as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Monte L. Mann

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Monte L. Mann